THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21494 OF 1995

DATED: 05-09-2006

BETWEEN

Quamruddin, S/o. Nazeeruddin,
Constable/R.P.R/S.N.A.G,
Presently working at Cash Guard Wing,
R.P.F., Secunderabad Railway Station,
Secunderabad.

...PETITIONER

AND

The Union of India,
Rep. by General Manager,
South Central Railway,
Rail Nilayam, Secunderabad
and others.

...RESPONDENTS

ORDER:

Petitioner questions the validity of Rule 153.8 and Rule 143.2 of the Railway Protection Force Rules, 1987 as null and void and consequently seeks a direction to the Enquiry Officer to permit the friend or defence helper to cross-examine the prosecution witnesses afresh in view of the unconstitutionality of Rule 153.8.

Though this Court initially granted interim orders but the said exparte interim orders were vacated on 14.12.1998 on the ground that unless the Court declares the Rules as unconstitutional the proceedings that may be taken by the respondent administration cannot be stalled.

In view of the aforesaid order dated 14.12.1998 the petitioner cannot be granted any relief as the enquiry might have already been over. Therefore, no further orders need be passed in this writ petition declaring the said rules as unconstitutional.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

September 5, 2006
DSK